

EXHIBIT D



GENERAL ORDER

Number: 209
Page: 1 of 8
Subject: Promotions
Date: 15 June 2018
Distribution: All Employees

I. PURPOSE:

To establish policy and procedures for the employees of the Tennessee Department of Safety and Homeland Security (DOSHS) regarding the promotional processes for all preferred service positions.

II. POLICY:

It shall be the policy of the DOSHS to promote qualified employees in accordance with the State Department of Human Resources' (DOHR) Rules and Regulations. It shall further be the policy of the DOSHS to ensure that all elements used to evaluate candidates for promotion are job-related and nondiscriminatory. The DOSHS provides equal employment opportunities to all employees without regard to race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. It shall be the responsibility of the DOSHS Human Resources (HR) Division Director and his/her staff to administer promotional processes. It shall also be noted that this process is largely dependent on global inter-agency electronic mail. It is the employee's responsibility to check his/her work email account on a regular basis regardless of leave status.

III. DEFINITIONS:

- A. Appointing Authority: An officer having power to make appointments to and separations from positions in the State service. For purposes of this General Order, the appointing authority shall be the Commissioner of the DOSHS.
- B. Class Specification: A description of a classification, including classification title, summary, distinguishing features, examples of duties and responsibilities, minimum qualifications, necessary special qualifications, and assessment method.
- C. Preferred Employees: Employees become members of the preferred service upon successful completion of the probationary period. Preferred service positions will be filled using certified lists of applicants who meet the minimum qualifications for the position as outlined below, and will have the ability to appeal certain employment actions.
- D. Preferred Promotional Roster: A list of Sergeant and Lieutenant qualified applicants, based on scores derived from the promotional process. This list is published annually and will be utilized as an internal agency guide to identify at least (ten) 10 applicants to be invited for an interview.

*This Order Supersedes General Order(s): 209, 1 March 2018.
C.A.L.E.A. Standard(s): 34.1.1, 34.1.2, 34.1.3, 34.1.4, 34.1.5, 34.1.6

- E. Promotion: A change in status of an employee from a position in one (1) classification to a position in another classification having different duties, authority, responsibilities, and a higher salary rank.
- F. Promotional Announcement: An announced position to be filled by current state employees only. The posting can be narrowed by the DOSHS, the Division, or the specific Unit where the vacancy is located. Promotional lists may include employees who are on any type of extended leave status. Extended leave status may include, but shall not be limited to, leave due to suspension, special leave without pay, division of claims administration leave, sick leave bank leave, educational leave, parental leave, or military leave.
- G. Referred List: The document or record containing the names of the applicants meeting minimum qualifications for a class of positions for consideration by an Appointing Authority in filling a vacancy.
- H. Statewide Promotional Requisition: A promotional requisition that contains the names of available applicants who are preferred employees. Requisitions that contain less than three (3) applicants do not have to be considered.
- I. Subsequent Probation: Any probationary period served by an employee in an agency after the successful completion of an initial probationary period in that agency or after the employee becomes a preferred employee in that agency. An employee on a subsequent probationary period has the ability to appeal a suspension, dismissal or demotion; however, an employee may not appeal a demotion that returns the employee to the employee's immediately preceding former position.
- J. Transfer: A change from one (1) position in a classification to another position in the same classification.
- K. Veteran Status: All veterans and spouses of veterans on a referred list must receive an invitation to interview and veterans who have the equivalent experience and Knowledge, Skills, Abilities, and Competencies (KSAC) to another applicant must be given preference in hiring. All invitations for a first round interview are generated by DOHR via email which contains a link to a questionnaire. Only candidates who participate in the first round interview will be placed on the referred list for further consideration.

**IV. PROMOTIONAL PROCESS PROCEDURES FOR PREFERRED SERVICE
THP SERGEANT AND LIEUTENANT POSITIONS:**

A. Testing Process:

The THP Sergeant and Lieutenant Promotional Test will be offered annually. Make-up tests will be offered by the end of each calendar year. Make-up tests will only be available to those applicants who qualified at the original offer to take the annual test, but were unable to do so at the time. The applicant's make-up request submitted and approved by the THP Colonel must be on-file with the HR Division from the original announcement, or military orders during the announced testing period.

1. Qualified applicants who receive a score from the THP Sergeant and Lieutenant Promotional Test may elect any of the following:

- a. Let their score stand and skip the next scheduled annual test, or**
- b. Replace their score by taking the next scheduled annual test.**

(1) Qualified applicants returning from military leave, who missed a scheduled annual test, shall retain the score they attained prior to the time of deployment. Such score shall be retained until the next scheduled annual test after their return to duty from military leave.

(2) At the next available testing cycle, those qualified applicants whose score was retained due to military leave beyond the allowed two (2) years shall be required to test for a new score. If no new score is attained, the previous score will be removed when new scores are posted.

2. Qualified applicants who receive a score may only skip one (1) scheduled annual test.

B. Vacant positions will be announced for the submission of Transfer Requests. A qualified applicant shall have five (5) calendar days to respond to the announcement of the vacant position.

C. If no Transfer Requests are selected, a Request to Post form will be submitted to the DOSHS HR Division to be submitted to the DOHR for the required application posting period of Wednesday through the following Tuesday.

D. Competing for Interview:

- 1. All interested applicants must apply for each announced vacancy on the DOHR website at <https://www.tn.gov/hr/js1/employment-opportunities.html>.**

2. All qualified applicants who obtain a score derived from the promotional process will be included on the Preferred Promotional Roster, which will be published annually.
3. At least ten (10) applicants, beginning with high scores from the Preferred Promotional Roster, will be given an opportunity to interview.
4. Additionally, an internal agency employee who meets the veteran status qualification will also be given the opportunity to interview. All invitations for a first round interview are generated by DOHR via email which contains a link to a questionnaire. Only candidates who participate in the first round interview will be placed on the referred list for further consideration.

E. Interview Process:

1. A minimum of ten (10) applicants will receive an invitation to interview. This is generated by the DOSHS HR Division and is distributed via email.
2. Each applicant who is invited to interview will have five (5) calendar days to respond via email, per the instructions in the email, setting forth his/her intent to interview or declining to interview.
 - a. Any response received after the expiration of the five (5) day requirement will not be considered.
 - b. Applicants will NOT be removed from the Preferred Promotional Roster for declining interviews for positions in which they are not interested.
 - c. After the DOSHS receives the responses to the invitations to interview, candidates will be notified by the HR Division via email of the scheduled date, time, and location of the interviews. This is referred to as the "Interview Schedule."
3. Interviews will be conducted by a selected Promotional Panel which shall consist of:
 - a. The Lieutenant Colonel;
 - b. The Major over the District/Division in which the vacancy exists;
 - c. The Captain or specialized Unit supervisor over the District/Division/Unit in which the vacancy exists; and

- d. Any other person selected by the Colonel. The Colonel may appoint another Member to the panel when any Member of the Promotional Panel is unable to attend for any reason, including, but not limited to, illness, prior engagement, or duty.
4. External influence on promotions is strictly forbidden. Any THP official found to promote or influence any promotion based all or in part, on an external recommendation shall be disciplined up to and including termination. Manipulating a promotional process to accommodate political influence is a policy and integrity violation. Such unethical behavior shall be dealt with in the same manner as any other violation of the law, policy, and the people's trust.
5. **The Promotional Panel's purpose is to recommend the most qualified applicant based on an evaluation of all eligible and interested applicants. The Promotional Panel will recommend the most qualified applicant to the Colonel based on the KSACs:**
 - a. Knowledge;
 - b. Skills;
 - c. Abilities; and
 - d. Competencies.
6. Background investigations will be conducted on the selected interested candidate(s). (See GO 209-6, "Background Investigations")
7. Internal Personnel File Reviews will be conducted by the Promotional Panel on the selected interested candidate(s).
8. The final promotional selection will be approved by the appointing authority.
9. Once approved, a Selection Announcement shall be electronically submitted to DI THP ALL by the DOSHS HR Division setting forth the names of all applicants who interviewed for the vacant position and the name of selected candidate.
10. Once a contingent offer has been made and accepted, the candidate must sign a "Promotion Acceptance Statement." The other applicants, who ~~were considered but not hired, will be coded as "consideration" on the requisition.~~
11. Newly promoted Sergeants and Lieutenants shall be placed on probation for a period of one (1) year. Written evaluations shall be conducted as established by the DOHR Rules and Regulations contained in Chapter 1120-5 regarding Performance Planning and Evaluation, and GO 209-1, "Employee Performance Evaluations."

F. Duration of Preferred Promotional Roster:

The Preferred Promotional Roster will be revised with current scores and published annually.

V. **PROMOTIONAL PROCESS PROCEDURES FOR NON-COMMISSIONED PREFERRED SERVICE POSITIONS:**

A. Methods of Making Promotions:

1. A vacancy in the preferred service may be filled by the promotion of a qualified employee.
2. Promotions between Departments or agencies must be approved by the appointing authorities concerned.
3. Promotions of employees to regular preferred service appointments will be made by a competitive process as determined by the DOHR.

B. Transfers and Competing from the Referred List:

1. To initiate a promotional cycle, a listing of DOSHS vacancies shall be sent by global inter-agency electronic mail monthly. It is the employee's responsibility to check his/her work email account on a regular basis regardless of leave status. This notification shall include the following, at a minimum:
 - a. Position Title;
 - b. Position Number; and
 - c. Position District/Division and Work County.
2. All employees in the current rank who are interested in transferring to an announced vacant position shall immediately submit a Request For Voluntary Transfer (SF-0117) through the chain of command, to the applicable Director's/Colonel's Office for consideration, according to the guidelines set forth in General Order 215, "Transfers."
3. The Director/Colonel will begin consideration of all transfers requested for announced vacancies. Transfers have no priority over selection from the Referred List.
4. If the position is not filled by a transfer, the division Director or Colonel will submit a request for posting to the DOSHS HR Division. This request should include any questions to be used to designate preferred candidates.

5. The DOSHS HR Division will verify all information pertaining to the request and verify if position can be filled.
6. If the position is not eligible to be filled, HR will notify the requesting Director of the reason (s).
7. If the position is eligible to be filled, HR will obtain all necessary approvals and initiate the process to have the DOHR post the vacancy for applications.
8. The DOSHS HR Division will notify the requesting Division when all evaluations are completed and the list of applicants is ready to be referred.
9. The referred list will be reviewed by the requesting Division to determine which applicants will be offered an interview invitation. Consideration must be given to veteran status and those candidates meeting preferred qualifications per DOHR Rule 1120-02-07(6) all veterans on the referred list must be offered an interview. All invitations for a first round interview are generated by DOHR via email which contains a link to a questionnaire. Only candidates who participate in the first round interview will be placed on the referred list for further consideration.
10. Applicants selected for an interview will receive an invitation to interview via email generated by DOSHS HR via Neogov. It is the applicant's responsibility to check his/her email account on a regular basis regardless of leave status.
11. DOSHS HR will send the hiring packet via email to the hiring manager. Each contacted employee will have five (5) calendar days to respond to the invitation to interview. The hiring manager or their designee(s) will schedule and conduct the interviews.
12. After completing the interviews, the hiring manager or their designees will return the hiring packet and the coded requisition to DOSHS HR by the deadline sent with the packet.
 - a. The interviewing management staff's purpose is to recommend the most qualified applicant based on an evaluation of all interviewed applicants. Justification for selection will be required in writing.
 - b. Background investigations will be conducted on the selected interested candidate(s), if applicable.
 - c. It will be the hiring manager's responsibility to review the selected applicant's employment record.

- d. Per DOHR Rule 1120-02-.07(6) Veterans' Preference. When invitations to interview candidates are extended, whether for appointment or promotion, and the list contains eligible Veterans or Veteran spouses in compliance with TCA § 8-30-307, such persons shall be invited to interview. If a Veteran is on the list of eligibles, and if the minimum qualifications and the skills, abilities, competencies and knowledge of the Veteran and any another applicant being interviewed for the position are equal, preference shall be given to the Veteran for the position. The Department shall adopt a policy pertaining to Veterans' preference.
 - e. The hiring manager will provide the DOSHS HR a bypass letter for each veteran that is interviewed but not hired. However, if a veteran is hired, then no bypass letter is required.
 - f. The hiring manager will make a hiring recommendation to the appointing authority.
- 13. External influence on promotions is strictly forbidden. Any DOSHS employee found to promote or influence promotion based, all or in part, on an external recommendation should be disciplined and, based on the extent of manipulation, potentially terminated. Manipulating a promotional process to accommodate political influence is a policy and integrity violation. Such unethical behavior will be dealt with in the same manner as any other violation of the law, policy, and the people's trust.
 - 14. The final promotional selection will be made by the appointing authority from candidates who interviewed.
 - 15. Once the selection is made, an announcement notification will be made by inter-agency electronic mail. It is the employee's responsibility to check his/her work email account on a regular basis regardless of leave status.
 - 16. Newly promoted Non-Commissioned Preferred Employees shall be placed on probation in accordance with the DOHR Policy 12-028 and DOHR Rule 1120-02-.12.

VI. SECURITY:

All promotional materials and Referred Lists will be secured by the DOHR in conjunction with the DOSHS HR Division for a period of three (3) years in accordance with the Public Records Commission (TCA 10-7-303).

Human Resources Goals

Governor's Priority: Education and Workforce Development

Goal: By June 30, 2019, utilizing the statewide learning and development model, implement a learning track for supervisors in the following levels: Level I Fundamental Management Skills, Level II Advanced Management Skills, Level III Fundamental Leadership Skills, and Level IV Advanced Leadership Skills.

Improves Customer Service By: Organizations that invest in their employees by providing ongoing learning and development opportunities create a culture that results in higher levels of engagement and performance. Supervisors who are more engaged with their work create higher expectations of employees, resulting in improvement in customer service.

Lowers Operating Costs By: When supervisors are provided opportunities to enhance their skills, it results in a more efficient government by providing the tools to become effective people leaders and to make good, sound business decisions.

Metrics	Frequency	Baseline	Target	Prior	Current	Status
The percentage measured to complete Level I Fundamental Management Skills is based on the number of executive branch supervisors as of February 2019.	Quarterly	11%				
The percentage measured to complete Level II Advanced Management Skills is based on the number of executive branch supervisors as of February 2019.	Quarterly		11%			
The percentage measured to complete Level III Fundamental Leadership Skills is based on the number of executive branch supervisors as of February 2019.	Quarterly	11%				
The percentage measured to complete Level IV Advanced Leadership Skills is based on the number of executive branch supervisors as of February 2019.	Quarterly		11%			

Governor's Priority: Education and Workforce Development

Goal: By June 30, 2019, implement work appointing authorities and/or their leadership teams, the State's workforce and succession planning model and/or the State's Strategic Business Planning Model.

Improves Customer Service By: Workforce development and succession planning are mission-critical for developing future leaders and creating a high performing culture. The Strategic Business Planning process is designed to ensure the agency's Mission, Vision and Values, core products/services, workforce capabilities, and capacities are supportive of the Governor's priorities.

Lowers Operating Costs By: Appointing authorities and their leadership teams are provided the tools necessary for creating an organizational development strategy around recruitment, retention, leadership development, workforce and succession planning, performance management, etc., that align with the Governor's priorities and the agency's mission, vision and values, resulting in lower recruitment and retention costs.

Metrics	Frequency	Baseline	Target	Prior	Current	Status
Number of appointing authorities and/or leadership teams participating in workforce development planning.	Quarterly		11%			

<https://www.in.gov/transparent/fiscal-strength-efficient-government/fiscal-strength-efficient-government/> 6/11/2019



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 4

**AN ORDER MANDATING NONDISCRIMINATION IN EMPLOYMENT PRACTICES
OF THE EXECUTIVE BRANCH**

WHEREAS, this Administration is committed to fair and equal opportunity under the law;
and

WHEREAS, this Administration intends to set an example illustrating the highest standards of employment practices, policies, and procedures to attract, train, promote, and retain qualified employees who are performing at the highest level; and

WHEREAS, a policy that the Executive Branch does not discriminate on the bases of race, color, national origin, age, sex, pregnancy, religion, creed, disability, veteran's status, or any other category protected by state and/or federal civil rights laws in employment matters is not only mandated by law, but also is critical to maintaining the integrity and trust in state government and setting the standard for all employers in the State of Tennessee, both present and future; and

WHEREAS, one of the principal initiatives of this Administration is the recruitment of additional jobs and the development of a workforce with the education, training, and skills necessary (i) to attract new employers and induce existing employers to increase their workforces, and (ii) to perform and carry out those responsibilities in an exemplary manner; and

WHEREAS, this Executive Order No. 4 underscores the commitment of this Administration to the highest standards of nondiscriminatory employment practices in the Executive Branch.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power vested in me by the Tennessee Constitution and the laws of the Tennessee, do hereby declare that it is the resolute and steadfast policy of the State of Tennessee to afford equal employment opportunity in all aspects of State government.

This policy specifically prohibits discrimination on the bases of race, color, national origin, age, sex, pregnancy, religion, creed, disability, veteran's status, or any other category protected by state and/or federal civil rights laws.

The Commissioner of Human Resources is hereby directed to review current employment practices and procedures to ensure compliance with this policy of nondiscrimination. In particular, the Commissioner of Human Resources and the Commissioner of Labor and Workforce Development are directed to take appropriate measures to emphasize the recruitment, training, employment, promotion, recognition, and retention of qualified minorities, veterans, women, disabled individuals, and older Tennesseans to serve at all levels of state government. Those responsible in the Executive Branch for employing and appointing persons to positions with boards, commissions, agencies, and divisions of the Executive Branch shall take comparable steps to comply with this overriding policy of nondiscrimination.

In furtherance of this policy of nondiscrimination, the Commissioner of Human Resources and the Commissioner of Labor and Workforce Development are directed to take appropriate measures to train those in the Executive Branch responsible for hiring, firing, promoting, demoting, or otherwise managing employees regarding nondiscrimination practices. Such training is directed to occur within 120 days of this Order and to recur with reasonable frequency to promote this overriding policy of nondiscrimination.

The Commissioner of Economic and Community Development is hereby directed to inform and instruct all companies considering Tennessee as a business location that this prevailing policy of nondiscrimination must be reflected in their employment practices and workforces in Tennessee.

It is imperative that the workforce filling Executive Branch positions accurately reflect the citizens they serve. The Commissioner of Labor and Workforce Development and the Commissioner of Human Resources shall report periodically to the Deputy Governor and Chief of Staff on the steps taken to comply with and carry out the policy and directives of this Order. Any employee of the Executive Branch found in violation of the policy shall be subject to appropriate disciplinary action.

This Executive Order is intended only to improve the internal management of the Executive Branch of the State of Tennessee and does not create any right to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Tennessee, its agencies or instrumentalities, its officers or employees, or any other person. Nor does it permit or in any way require the lowering of any job requirements, performance standards, or qualifications for positions.

A copy of this Order shall be placed in conspicuous locations in all state facilities.

This Executive Order No. 4 supersedes and rescinds Governor Haslam's Executive Order No. 3, dated January 15, 2011, and all other directives and memoranda concerning the same subject. All previous executive orders, the terms of which are inconsistent with the terms of this Executive Order No. 4, are hereby repealed.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 24th day of January, 2019.


GOVERNOR

ATTEST:


SECRETARY OF STATE

